

Amendments to the Claims

3. Claim 1 (Currently amended): Hybrid maize seed designated X1139Y (~~commercial designation~~), representative seed of said hybrid X1139Y having been deposited under ATCC accession number \_\_\_\_\_.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

3. D2 Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant X1139Y (~~commercial designation~~), representative seed of said hybrid maize plant X1139Y having been deposited under ATCC accession number \_\_\_\_\_, wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant X1139Y.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

3. D3 Claim 7 (Currently amended): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant X1139Y (~~commercial designation~~), representative seed having been deposited under ATCC accession number \_\_\_\_\_.

Claim 8 (Previously amended): The maize plant of claim 2 wherein said plant has been manipulated to be male sterile.

Claims 9-12 (Canceled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-41 (Canceled)

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Claim 42 (New): A method of developing a transgenic X1139Y maize plant, comprising transforming at least one of the inbred parents of X1139Y with a transgene, wherein a representative sample of said inbred parents have been deposited as \_\_\_\_\_ for GE565937 or \_\_\_\_\_ for GE502199, and crossing said inbred parents to produce a transgenic X1139Y hybrid maize plant.

Claim 43 (New): The maize plant of claim 42 wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 44 (New): The maize plant of claim 43 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 45 (New): The maize plant of claim 43 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 46 (New): A method of developing a backcross conversion X1139Y hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of X1139Y, wherein a representative sample of said inbred parents have been deposited as \_\_\_\_\_ for GE565937 or \_\_\_\_\_ for GE502199, and crossing said inbred parents to produce a transgenic X1139Y hybrid maize plant.

Claim 47 (New): The maize plant of claim 46 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 48 (New): The maize plant of claim 47 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

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Claim 49 (New): The maize plant of claim 47 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 50 (New): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant X1139Y representative seed of said hybrid maize plant having been deposited under ATCC Accession No. \_\_\_\_\_.

Claim 51 (New): A method for producing a X1139Y progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said X1139Y progeny maize plant.

Claim 52 (New): The method of claim 51 further comprising the step of:

- (c) selecting and harvesting X1139Y progeny maize plants which comprise 2 or more X1139Y characteristics described in table 1 or 2.

Claim 53 (New): A X1139Y progeny maize plant, or parts thereof, produced by the method of claim 52.

Claim 54 (New): A method of making a hybrid maize seed X1139Y comprising:  
crossing an inbred maize plant GE565937 and GE502199, deposited as \_\_\_\_\_ and \_\_\_\_\_,  
respectively to produce hybrid maize seed X1139Y.

Claim 55 (New): A process for isolating an inbred parent of hybrid maize plant X1139Y,  
representative seed of which have been deposited under ATCC Accession No. \_\_\_\_\_,  
comprising:

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- (a) planting a collection of seed comprising seed of hybrid maize plant X1139Y, said collection also comprising seed of said inbred parent;
  - (b) growing plants from said collection of seed;
  - (c) identifying an inbred parent plant; and
  - (d) selecting said inbred parent plant.

Claim 56 (New): A method of making an inbred maize plant comprising:  
obtaining the plant of claim 2; and  
applying double haploid methods to obtain a plant that is homozygous at essentially every locus,  
said plant having received all of its alleles from maize hybrid plant X1139Y.

Claim 57 (New): The method of claim 56 wherein said inbred line comprises at least about  
75% genetic identity to a line selected from the group consisting of GE565937 and GE502199,  
deposited as \_\_\_\_\_ and \_\_\_\_\_, respectively.

Claim 58 (New): A method for producing a X1139Y progeny maize plant comprising:  
(a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and  
(b) producing successive filial generations to obtain a X1139Y progeny maize plant.

Claim 59 (New): A maize plant produced by the method of claim 58, said maize plant  
having received all of its alleles from hybrid maize plant X1139Y.

Claim 60 (New): A method for producing a population of X1139Y progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of X1139Y progeny inbred maize plants.

Claim 61 (New): A maize plant from the inbred population of maize plants produced by claim 60, said plant having received all of its alleles from hybrid maize plant X1139Y.

Claim 62 (New): A method for developing a maize plant in a maize plant breeding program comprising:

obtaining the maize plant, or its parts, of claim 2; and  
utilizing said plant or parts as a source of breeding material.

Claim 63 (New): An X1139Y progeny maize plant, or parts thereof, wherein at least one ancestor of said X1139Y progeny maize plant is the maize plant of claim 2, and wherein the pedigree of said X1139Y progeny maize plant has 2 or less breeding crosses to a plant other than X1139Y.